

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on February 17, 2001 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Tom Zook (R)

Members Excused: Sen. Mike Halligan (D)
Sen. Jon Tester (D)

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 478 2/15/01
Executive Action: SB 478, SB 326

HEARING ON SB 478

Sponsor: SEN. EVE FRANKLIN, SD 21, GREAT FALLS

Proponents: Tina Bennett, Big Sky Veterinarian Technician Association
Debbie Pierce, Big Sky Veterinarian Technician Association

Kathy Sanders, Representing herself

Opponents: Linda Kauffman, DVM., Board of Veterinarian Medicine
Stuart Doggett, Montana Veterinary Medical Association

Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD 21, GREAT FALLS stated the intent of the bill is to license Veterinarian Technicians and to pursue a renewal fee. She stated licenses were required in the past and a consulting member of the Board of Veterinarian Medicine would be required.

Proponents' Testimony:

Kathy Sanders stated in the past she was licensed and her license was taken away because of a sunset clause. She said anyone off of the street could do the same tasks that she has done for 28 years under guidance of a veterinarian.

Debbie Pierce stated she graduated from a veterinarian technician school in 1989 and has been a veterinarian technician for 12 years. Montana is one of 10 states that does not require licensing for veterinarian technicians. She suggested upkeep on the licenses such a updated schooling for veterinarian technicians.

Tina Bennett noted this is similar to human nursing; these pets are family and they deserve to have educated licensed veterinarian technicians. She stated the majority of states require licensing of veterinarian technicians.

Opponents' Testimony:

Dr. Linda Kauffman presented written testimony. **EXHIBIT (ags40a01)**

Stewart Doggett expressed support for the technicians and continuing education programs and agreed to provide a state association certificate although there is a question of how many people who would participate and become licensed. Without participation and fee collection, there will be a staff shortage.

Questions from Committee Members and Responses:

SEN. COREY STAPLETON asked what is the benefit of the bill if the job description and income does not change.

Kathy Sanders stated anyone can perform these tasks now, she would like to set standards for schooled candidates.

SEN. STAPLETON questioned if this would increase quality of work and asked if they could be over-regulated to cause veterinarians to not have enough help.

Kathy Sanders stated we do not attract people to our state because there are no regulations. People want to be professionally recognized as a licensed veterinarian technician and make more money. She seeks the consistency in training to protect animals.

SEN. STAPLETON questioned "direct supervision". Could a veterinarian be in another building and directly supervise a veterinarian technician, she asked.

Kathy Sanders stated that would not be direct supervision.

SEN. STAPLETON then clarified the bill as incorrect as written because it did not make sense to only be a licensed veterinarian technician with supervision.

Kathy Sanders stated they have been in contact by phone with a supervisor, therefore, it would be indirect supervision.

SEN. JERGESON asked if veterinarian technicians allow for the capability to expand services provided by a veterinarian.

Linda Kauffman answered yes, they do.

SEN. JERGESON asked if there was a shortage of veterinarians in Montana.

Linda Kauffman replied yes, there is a shortage of large animal practices in Montana.

SEN. JERGESON asked, could licensed technicians help to fill the shortage.

Linda Kauffman stated a licensed technician could not be put in the place of a licensed veterinarian.

SEN. JERGESON clarified a licensed veterinary technician could stay at a clinic and perform routine tasks so to make it easier for a licensed veterinarian to see to an animal which could not be taken to a clinic.

SEN. ZOOK stated that they would not need to have a licensed veterinarian technician stay behind to allow a doctor to go see to an animal.

SEN. NELSON asked if presently assistants were able to do the things listed in the bill.

Linda Kauffman said yes, the assistants are able to do the tasks and have learned from veterinarians and through experience.

SEN. HOLDEN stated the veterinarians in his area have stated if more rules and regulations are put on them and their staff, the harder it is to get people to work with them. He asked if that was true in **Dr. Kauffman's** area.

Linda Kauffman stated yes.

SEN. HOLDEN asked how this is envisioned.

Linda Kauffman stated people are either going to lose their jobs or move out of state to get the education.

SEN. HOLDEN asked what happens if someone took a continuing education class and flunked the test.

Debbie Pierce stated they take turns traveling to different parts of the state to provide the continuing education classes. She stated the classes she takes in Montana can be transferred to Colorado. She also noted the national test for veterinarian technicians is given twice per year. The test is recognized nationwide.

SEN. HOLDEN asked if someone would lose their job if the test was not passed.

Debbie Pierce stated no. Although, on a national level uncertified technicians are required to take the test within the next seven years.

SEN. EKEGREN questioned language in the bill stating "you must have graduated from an American Veterinarian Medical Association or must have worked consecutively in the capacity of a veterinarian technician for five years and passed the veterinarian technician national examination by 2003." he asked if this was a one time deal.

SEN. FRANKLIN supported amendments regarding these issues.

SEN. JERGESON asked what schools veterinarian technicians could go to and how long the programs were.

Debbie Pierce stated Fort Collins, which is a probationary program; Bell Ray, which is two years; and Greenwood Springs, which is two years.

SEN. JERGESON asked if there was a market for a Montana college to implement this type of course.

Debbie Pierce stated yes.

Closing by Sponsor:

SEN. FRANKLIN presented a copy of the bill with amendments and explained them. **EXHIBIT (ags40a02)** This may improve standards and sincere good care.

EXECUTIVE ACTION ON SB 326

Motion/Vote: **SEN. EKEGREN** moved **SB 326 BE TAKEN FROM THE TABLE.**
Motion carried unanimously.

Doug Sternberg presented a gray bill which reflects the amendments adopted in previous executive action on SB 363.
EXHIBIT (ags40a03)

SEN. HOLDEN questioned on page 3, line 12, the department creating a report on an annual basis and go the Business and Labor Interim Committee. He suggested striking this section.

SEN. ZOOK asked if the section would be stricken entirely.

SEN. HOLDEN suggested section 4 be stricken.

Motion/Vote: **SEN. HOLDEN** moved that **SECTION 4 BE STRICKEN.** **Motion carried unanimously.**

SEN. STAPLETON stated the bill started at 34 pages and now it is 26 pages.

Motion: **SEN. MOHL** moved that **SECTION 8 BE AMENDED.**

Discussion:

SEN. MOHL stated the funding transferred from the highway program to the weed needs to be changed from \$400,000 to \$100,000 just to keep the weed program going. The highway program is presently operating well therefore, it should be left alone to work properly.

Vote: Motion **carried unanimously.**

SEN. HOLDEN referred to section 18 of the bill entitled, "Sources of money for noxious weed fund."

Doug Sternberg explained how the bill previously read. He stated there would be a basement level on the bill instead of a cap. The section states the counties may establishes boundaries for zones. He also referred to the new language in subsection 6 and explained amendments.

SEN. HOLDEN suggested changing, "may", to, "shall".

SEN. ZOOK stated the bill says they will create a weed fund and they do not have to necessarily put money in it.

SEN. JERGESON discussed the bill stating counties may not levy less than 1.6 mills, therefore the program would then have that much money.

Doug Sternberg clarified the amendment by reading it back to the committee.

Motion/Vote: **SEN. HOLDEN** moved to **CHANGE, "MAY", TO, "SHALL" IN SECTION 18. Motion carried unanimously.**

SEN. JERGESON expressed concern with the taxes on property owners with "real property".

Doug Sternberg stated this does not have to do with the property owners; this would require a majority vote in the zone.

SEN. ZOOK stated if a landowner was not doing anything about weeds on their property, the money in question would have to be spent on weed management in that person's zone.

SEN. STAPLETON suggested "all counties which have established a weed fund" be inserted on page 5, line 3 following " The department shall distribute equally among."

Motion/Vote: **SEN. STAPLETON** moved that **SECTION 9, LINE 3 BE AMENDED** inserting, "all counties which have established a weed fund." **Motion carried unanimously.**

SEN. HOLDEN referred to page 13, line 25 pertaining to the revegetation of right-of-ways limited to 15 days. He questioned if this statement would be good policy.

SEN. HOLDEN referred to page 24, section 26, subsection 3a.

Doug Sternberg explained the section and subsection as being the duties, duration, and termination of relationship between broker or salesperson and buyer or seller. Originally, the bill reflected the seller is obligated to the buyer to disclose all facts that are known to the seller agent including the presence of plant species that are designated as noxious weeds. Presently, the bill states, "including parcels of land which are one acre greater the presence of plant species." This language was adopted to reflect the seller agent does not have the obligation unless parcel greater is than one acre.

Motion: SEN. HOLDEN moved **STRIKE SECTION 26; 37-51-313.**

Discussion:

SEN. ZOOK clarified this would not exempt the seller from disclosing the information because a lender would require the information for liability purposes.

SEN. HOLDEN stated his motion would not change current law.

SEN. STAPLETON suggested specifying seller and seller agent.

SEN. JERGESON stated the smaller parcels of land would make it easier to go around and check for certain species. He noted on a 100,000 acre farm it would be difficult to determine which species were on the property.

Vote: Motion carried 7-4 with Jergeson, Nelson, Pease, and Tester voting no.

SEN. HOLDEN noted a policy decision on page 33, line 4.

Doug Sternberg explained the proposed amendment by **SEN. MIKE TAYLOR** which raised the noxious weed trust fund account principal requirement from 2.5 million dollars to 10 million dollars unless in a noxious emergency. Once 2.5 million dollars is accumulated, the interest must be deposited into the noxious weed trust fund account and expended for projects.

SEN. STAPLETON stated the "money" on line 3, would either be "principal" or "cost basis". The actual money in the account cannot be taken out until it reaches 10 million although the money that is made off of the money which is applied to the account may and shall be spent after it reaches 2.5 million dollars.

Motion: SEN. MOHL moved **TO RETURN THE TRUST FUND ACCOUNT CAP BACK TO 2.5 MILLION DOLLARS.**

Discussion:

Doug Sternberg stated the amendment is to raise the overall principal amount so to allow the use of interest money generated from the account.

SEN. ZOOK stated **SEN. TAYLOR** is hopeful of finding other moneys for the fund rather than the presently designated funds.

SEN. MOHL asked if the bill was to start a savings account or to control weeds. This account is going to be set up so someone can steal from it later on.

SEN. MCNUTT stated he did not think that is what the bill said.

SEN. EKEGREN asked "what do we do with the weeds while that is getting up to 2.5 million?"

SEN. MOHL restated his motion.

Vote: Motion **carried 10-1 with McNutt voting no.**

SEN. HOLDEN referred to section 31 regarding emergency funding of \$150,000 from the department of agriculture being changed to \$500,000. He stated this is a "pretty healthy chunk of money".

Motion/Vote: **SEN. ZOOK** moved **TO REDUCE EMERGENCY FUNDING FROM THE DEPARTMENT OF AGRICULTURE BACK TO \$150,000 FROM \$500,000.** Motion carried unanimously.

Motion/Vote: **SEN. MOHL** moved that **SB 326 DO PASS AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON SB 478

SEN. FRANKLIN stated the bill should be tabled. She explained changes she and the opponents had agreed to. She presented a copy of the bill with the changes marked. **EXHIBIT(ags40a04)**

Motion/Vote: **SEN. NELSON** moved that **SB 478 BE TABLED.** Motion carried 10-1 with Jergeson voting no.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags40aad)